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**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

**Court Minutes**

**January 25, 2010**

At 8:33 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Haskett, bailiff.

**C058837      NEW CINGULAR WIRELESS SERVICES, INC. v. WIRE COMM WIRELESS, INC.; BURKART**

Cause called. Richard Albert De Liberty argued for appellant. Daniel L. Baxter argued for respondent. Cause submitted.

At 9:01 a.m., the court recessed. At 9:02 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

**C055139      THE PEOPLE v. JOSEPH TERRELL JOHNSON et al.**

Cause called. Deborah L. Hawkins, court appointed counsel, argued for appellant Johnson. Madeline McDowell, court appointed counsel, argued for appellant Holmes. Stephanie A. Mitchell, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:46 a.m., the court recessed. At 2:02 p.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

**C061089      ACOSTA v. SACRAMENTO COUNTY EMPLOYEES RETIREMENT SYSTEM et al.**

Cause called. Jesse S. Kaplan argued for appellant. Diana L. Ruiz, Deputy County Counsel, argued for respondent. Cause submitted.

At 2:13 p.m., the court recessed. At 2:17 p.m., the court reconvened with Sims, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051841      MCADAMS v. MONIER, INC.**

Cause called. Michael F. Ram argued for and Jeffrey Cereghino appeared only for appellant. William A. Robles argued for respondent. Cause submitted.

At 2:44 p.m., the court recessed. At 2:46 p.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

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**January 25, 2010, Continued**

At 3:16 p.m., the court recessed. At 3:16 p.m., the court reconvened.

Cause called. Allison Hughes Ting, court appointed counsel, argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:47 p.m., the court recessed until 9:30 a.m., Tuesday, January 26, 2010.

**C057847 THE PEOPLE v. (Certified For Partial Publication)**  
**JEFFREY DOUGLAS POWELL**

Defendant's sentence for driving with a license suspended for no proof of insurance (Veh. Code, § 14601.1, subd. (a) – Count 9) is ordered stayed, such stay to become permanent upon completion of the sentence for driving with a license suspended for a conviction of driving under the influence of alcohol (Veh. Code, § 14601.2, subd. (a) – Count 8). Defendant's conviction for leaving the scene of an injury accident (Veh. Code, § 20001, subd. (a) – Count 3) is reversed. Consequently, defendant's total state prison sentence is six years and four months. In all other respects, the judgment is affirmed.

The trial court is directed to prepare an amended abstract of judgment and to send a certified copy of the same to the Department of Corrections and Rehabilitation.

SIMS, J.

We Concur: Scotland, P.J.

Hull, J.

**C060014      THE PEOPLE v.      (Not For Publication)**  
**JOSE ANTONIO GALINDO**

The judgment is affirmed.

PLEASE, Acting P.J.

We Concur: Hull, J.

Robie, J.

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**Court Minutes**

**January 25, 2010, Continued**

**C062067      THE PEOPLE v.      (Not For Publication)  
TIMOTHY MICHAEL ST. PIERRE**

The judgment is affirmed.  
BLEASE, Acting P.J.

We Concur:    Sims, J.  
                    Hull, J.

**C063584      JONES, SR. v. LUTHER et al.  
BY THE COURT:**

Appellant's motion to reinstate the appeal is granted. The order of December 24, 2009, dismissing the appeal is vacated, and the appeal is reinstated.

Appellant is directed to submit the filing fee required by rule 8.100(b)(1) of the California Rules of Court or an application for waiver of court fees and costs under rules 3.50-3.63 by February 10, 2010.

Failure to comply with the conditions of this order will result in the immediate dismissal of the appeal without further warning.

SCOTLAND, P.J.

**January 26, 2010**

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Butz, Associate Justice; and Horner, bailiff.

**C059879      SACRAMENTO PUBLIC LIBRARY AUTHORITY v. HAGGINWOOD  
SERVICES, INC., et al.**

Cause called. Gary Robert Matta argued for appellant. Matthew David Ruyak argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:02 a.m., the court reconvened with Nicholson, Associate Justice; Raye Associate Justice; and Hull, Associate Justice.

**C060680      YAQUB v. MEDICAL BOARD OF CALIFORNIA**

Cause called. Nizar Yaqub argued in pro. per. for appellant. Susan K. Meadows, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:16 a.m., the court recessed. At 10:17 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

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**January 26, 2010, Continued**

**C060269      MEANS-FERGUSON v. SACRAMENTO METROPOLITAN FIRE DISTRICT**

Cause called. Michael K. Johnson argued for appellant. Frank Zumwalt argued for respondent. Cause submitted.

**CONSOLIDATED WITH**

**C060402      YSLAS v. SACRAMENTO METROPOLITAN FIRE DISTRICT**

Cause called. Michael K. Johnson argued for appellant. Frank Zumwalt argued for respondent. Cause submitted.

At 11:02 a.m., the court recessed. At 11:04 a.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C059069      THE PEOPLE v. STEVEN TREADWAY**

Cause called. Ann Hopkins, court appointed counsel, argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:18 a.m., the court recessed until 9:30 a.m., Tuesday, February 16, 2010.

**C058795      HAMMERBECK v. CALIFORNIA      (Not For Publication)  
BROADCASTING, INC., et al.**

The judgment is affirmed. Costs on appeal are awarded to respondents. (Cal. Rules of Court, rule 8.278 (a) (1) . )

CANTIL-SAKAUYE, J.

We Concur: Hull, Acting P.J.

Robie, J.

**C062804      RODDEN v. THE SUPERIOR COURT      (Not For Publication)  
OF BUTTE COUNTY; THE PEOPLE**

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its postjudgment order of July 14, 2009, denying petitioner's request for a certificate of probable cause, and to issue a new and different order granting that request.

SIMS, Acting P.J.

We Concur: Nicholson, J.

Raye, J.

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**Court Minutes**

**January 26, 2010, Continued**

- C061325      In re D.H. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. M.H.      (Not For Publication)**  
The order of the juvenile court is affirmed.  
Hull, J.  
We Concur: Scotland, P.J.  
Butz, J.
- C061451      In re Ra.S; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. R.S.      (Not For Publication)**  
The order of the juvenile court is affirmed.  
NICHOLSON, J.  
We Concur: Blease, Acting P.J.  
Sims, J.
- C058443      THE PEOPLE v. POR YE HER      (Certified For Partial Publication)**  
THE COURT:  
It is ordered that the opinion filed herein on December 28, 2009, be modified...  
Appellant's petition for rehearing is denied.  
This modification does not change the judgment.  
BY THE COURT:  
SCOTLAND, P.J.  
Nicholson, J.  
Robie, J.
- C059080      YICK v. LARSON**  
BY THE COURT:  
Appellants' petition for rehearing is denied.  
SCOTLAND, P.J.
- C059281      THE PEOPLE v. GERALD HOWARD**  
**C059405      THE PEOPLE v. CARMEL MURPHY**  
BY THE COURT:  
Appellant Gerald Howard's petition for rehearing is denied.  
NICHOLSON, Acting P.J.
- C059862      SHEAFFER v. SCOTT VALLEY UNION HIGH SCHOOL et al.**  
BY THE COURT:  
Respondents' petition for rehearing is denied.  
BLEASE, Acting P.J.

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**Court Minutes**

**January 27, 2010**

- C059889      THE PEOPLE v. ALBERT TROYER      (Not For Publication)**  
The judgment is reversed. Defendant shall be allowed to withdraw his no contest plea, and in the event he does so, the trial court shall vacate its order denying the motion to suppress and enter a new order granting that motion.  
ROBIE, J.  
I concur: Butz, J.  
I dissent:  
After months of quiet and comfortable reflection, the majority parses what the officers did in a few stressful and dangerous minutes and finds one aspect of the officers' actions unreasonable. I disagree. Under the totality of the circumstances, the officers acted reasonably, in every way. ...  
What the majority calls a violation of the Fourth Amendment, I find to be a reasonable and brave execution of law enforcement duties. Therefore, I would affirm.  
Nicholson, Acting P.J.
- C053715      WILLIG et al. v. MAMMOTH MOUNTAIN      (Not For Publication)**  
**SKI AREA**  
The judgment is affirmed.  
RAYE, J.  
I concur in the judgment and the opinion, except as to part II of the opinion, as to which I concur in the result:  
Blease, Acting P.J.  
I concur:  
Nicholson, J.
- C061823      In re A.W.; BUTTE COUNTY      (Not For Publication)**  
**DEPARTMENT OF EMPLOYMENT**  
**AND SOCIAL SERVICES v. K.W. et al.**  
The orders of the juvenile court are affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Cantil-Sakauye, J.
- C058084      THE PEOPLE v. KEVIN LEWIS et al.**  
**BY THE COURT:**  
The petition for rehearing filed by appellant Kevin Lewis is denied.  
SCOTLAND, P.J.

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**Court Minutes**

**January 28, 2010**

- C059407      THE PEOPLE v.  
GRANT SCOTT PARKISON, JR.      (Not For Publication)**  
The judgment is affirmed.  
HULL, Acting P.J.  
We Concur: Robie, J.  
Butz, J.
- C060463      THE PEOPLE v. CHARLEY VULCAN      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
I concur: Hull, J.  
I concur in the result.  
Blease, Acting P.J.
- C062366      MANSOURI v. THE SUPERIOR COURT      (Certified For Partial Publication)  
OF PLACER COUNTY; FLEUR DU LAC  
ESTATES ASSOCIATION**  
Let a peremptory writ of mandate issue, directing the trial court to vacate  
its order granting the Association's petition to compel arbitration and awarding  
attorney fees and to enter a new and different order denying the petition.  
Petitioner is awarded costs in this writ proceeding. (Cal. Rules of Court, rule  
8.493 (a) (1) (A) . )  
CANTIL-SAKAUYE, J.  
We Concur: Blease, Acting P.J.  
Raye, J.
- C060917      In re LOWLIN SAEPHARN on      (Not For Publication)  
Habeas Corpus.**  
The petition for writ of habeas corpus is dismissed as moot.  
HULL, Acting P.J.  
We Concur: Robie, J.  
Cantil-Sakauye, J.

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**Court Minutes**

**January 29, 2010**

**C060246      Estate of ROBERT FRANCO, Deceased.      (Not For Publication)  
FRANCO v. LENZ, as Special Administrator, etc.**

The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) . )

SCOTLAND, P.J.

We Concur: Nicholson, J.

Robie, J.

**C060451      FIRST PRESBYTERIAN CHURCH OF      (Not For Publication)  
ROSEVILLE et al. v. PRESBYTERY OF  
SACRAMENTO; SYNOD OF THE PACIFIC**

The three judgments are reversed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) . )

SIMS, Acting P.J.

We Concur: Raye, J.

Cantil-Sakauye, J.

**C061743      In re La.M. et al.; SACRAMENTO      (Not For Publication)  
COUNTY DEPARTMENT OF HEALTH  
AND HUMAN SERVICES v. L.C.**

The matter is reversed and remanded to the juvenile court with directions that the court (1) vacate its order terminating mother's parental rights, and (2) order the Department to interview the maternal grandmother as to the minors' Indian ancestry and to provide new ICWA notice that includes her correct name and address. If, following such notice, any of the tribes determine that the minors are Indian children as defined by ICWA, the court shall conduct a new review hearing in conformity with all the provisions of ICWA. If, however, the tribes determine that the minors are not Indian children, or if no response is received indicating the minors are Indian children, the court shall reinstate the vacated order.

RAYE, J.

We Concur: Scotland, P.J.

Nicholson, J.

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**Court Minutes**

**January 29, 2010, Continued**

**C062019      FIREMAN'S FUND INSURANCE      (Certified For Publication)  
COMPANY v. WORKERS' COMPENATION  
APPEALS BOARD, CALIFORNIA  
INSURANCE GURANTEE ASSOCIATION et al.**

The order of the Workers' Compensation Appeals Board denying Fireman's Fund Insurance Company's petition for reconsideration is annulled and the matter is remanded to the Workers' Compensation Appeals Board for further proceedings consistent with this opinion. Costs are awarded to petitioner Fireman's Fund Insurance Company.

CANTIL-SAKAUYE, J.

We Concur:    Sims, Acting P.J.  
                     Butz, J.